THE

CASE

OF

Protestant-Dissenters

SHEWING

That the LAWS made in the 23d and 28th of Queen *Elizabeth*, for Forfeiture of 20 *l.* a Month, for absenting from the Parish Church; And that of the 3d of King *James*, for seizing two Thirds of Persons Estates, Convicted on those Laws, were only made against

PAPISTS

And not against

PROTESTANT DISSENTERS.

For Information of all Sober Protestants, whether Justices of the Peace, Grand Jurors, Petty Juries, *&c.*

LONDON,

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Courteous Reader,

BE pleased to take notice, 1. That from the time of Queen *Elizabeth*, until of late years, the Prosecution of any of the People called Quakers, or any other Protestant Dissenters, upon these Statutes, hath not been known.

2. That the Prosecution of the People called Quakers on those Laws, has not been Universal, the Judges and Justices differing in their Judgments, whether they ought to be prosecuted against any but Papists, against whom they were intentionally made; and many considerate Grand Juries conscientiously have refused, and do refuse to *Present* or *Indict* us or any other Protestants upon these Laws.

3. After several of the People called *Quakers* have been Indicted and Convicted on these Statutes, and their Estates seized into the King's hands by *Exchequer Process*. Upon Application to the King, and taking the following Test, appointed by Act of Parliament, they and their Estates have been discharged, the King having declared, *It was hard that we should be prosecuted on Laws made against us, and also on the Laws not made against us.*

4. Upon Application to the Parliament. The Parliament have by Vote declared their *Sense*, *That those Laws were not made against any Protestant Dissenters, nor ought to be put in Execution against them.*

5. We have been always ready and willing to distinguish our selves from Papists, by taking the said Test the Law appoints, *That we are not Popishly affected.* So we hope the Considerate will not precipitate or run us into Ruine and Destruction.

Thus much for the *Preface* and information to the Reader, and now we will descend to the Statutes.

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THE CASE OF Protestant DISSENTERS, &c.

AND that the said Statutes, when made, were designed against *Papists*, and not against *Protestants*, will appear by examination of the Preambles and Purport of the same.

And observe, The Statutes upon which we are thus of late Prosecuted, and convicted for 20*l.* a Month, and two thirds of our Estates seized into the King's Hands, are three (*viz.*) the 23*d.* *and* 28th. of Eliz. *And the* 3. of K. James.

1*st.* As to the first of these (*viz.*) that of the 23*d.* of *Eliz.* It is intituled, *An Act to retain the Queens Majesties Subjects in* their due *Obedience.*

And what subjects those were, who in those days were disobedient, and stood in need of this Act, History and Tradition can well inform; but besides that, the Preamble of the Act will plainly evidence. Which runs thus.

"Where sithence the Statute made in the 13*th.* Year of "the Reign of the Queen our Sovereign Lady, Intituled, *An* "*Act against the bringing in and putting in execution of Bulls,* "*Writings and Instruments, and other superstitious Things from* "*the See of* Rome, *divers evil-affected Persons have practised,* "*contrary to the meaning of the said Statutes, by other means* "*then by* Bulls *and* Instruments, *Written or Printed, to with-* "*draw divers the Queens Majesties Subjects from their na-* "*tural Obedience to obey the said usurped Authority of* Rome, "*and in respect of the same to perswade great numbers to* "*withdraw their due Obedience from Her Majesties Laws,* &c.

"For reformation whereof, and to declare the true mean- "ing of the said Law, *Be it Declared and Enacted, by the* "*Authority of this present Parliament, That all Persons,* &c.

In this Preamble we may clearly understand a double or two fold end, for which this Statute was made and provided (*viz.*) for *Reformation and Information.*

1*st*. For *Reformation* (viz.) of such who withdrew the Queens Subjects from their *natural Obedience* to the usurp'd Authority of *Rome*, as the preceeding Words are.

2*ly*. For *Information* in these words (*viz.*) *To declare the true meaning of the said Law* (viz.) the Law of the 13*th*. of the *Queen*, which the said Statute recites, which said Law was provided against *bringing in and putting in execution of Bulls, Writings, Instruments and other Superstitions Things from the See of* Rome.

And if we read the said Statute, it gives an account, That those Bulls were brought from *Rome* to absolve and reconcile such who forsook their Obedience to the Queen, to yeild and subject themselves to the Popes usurp'd Authority.

So the Design of the said Statute was to prohibit such Bulls on pain of High Treason, and to prohibit the bringing into the Realm *Tokens or Things called* Agnus Dei, *Crosses, Pictures, Beads, and such like vain and superstitious Things*, which being consecrated by the Pope, &c. divers Immunities and Exemptions were said to be granted. As that Statute words it.

So that this Statute of the 23*d*. of *Eliz*. apears to be a *Supplementary Act*, and *Explanatory*, of the 13 of the said Queen against the bringing in of *Bulls, Agnus Dei, Crosses*, &c. and therein also provides against *Withdrawing any the Queens subjects to the* Romish *Religion* (which that Age conceived so dangerous.)

So that they first make it *Treason* to withdraw any from the *Queens Obedience* or *Religion* (then establisht) to the *Romish Religion*, or to obey the *Authority* of the See of *Rome*, or other Prince.

They 2*ly*. make it Treason to be reconciled or drawn to the *Romish Religion*.

They 3*ly*. make it *Misprision of Treason* to be Aiders, Maintainers or Concealers of such as perswaded others to withdraw themselves.

They 4*ly*. provide the *Penalty* of 200 *Marks, and a Years Imprisonment*, for such as shall Say or Sing *Mass*, and then Enact generally.

5*ly*. That all *Persons* above the age of 16 *Years*, which shall not *repair to Church once a Month*, shall forfeit for every

Month

Month 20 l. Upon which is the present Prosecution against Protestants.

Now it's very evident by the *Statute of the* 13th. *of the Queen, and by this of the* 23*d. of the Queen, That,*

1*st.* The offences provided against, by these Statutes were, the bringing in of *Bulls, Agnus Dei's, Crosses, Pictures, Beads and such like vain and superstitious Things.*

2*ly.* The Persons offending were the *Importers or Spreaders thereof; Persons perswading or withdrawing others, or themselves to the Romish Religion, or See of* Rome, *and Sayers and Singers of Mass. And to be Aiders or Maintainers of such.*

So we conceive the Execution thereof was never intended, and hope will not be extended to us, contrary to all former Usage and Practice.

And that these Words *All Persons*, shall be such only, whom the Statute in expres Words and Terms complains of, as only dangerous; and by such Pains and Penalties thereby intended to be reform'd.

The 2*d.* Statute on which such Prosecutions against Protestants are grounded is, that of the 28*th.* of the Queen; the Title bespeaks it what it is (*viz.*) *An Act for the speedy Execution of Certain Branches made in the* 23*d. Year of the Queen ——which is the Act to retain the Queens Majesties Subjects in their due Obedience.* The same which is before repeated, And provides *against fraudulent Conveyances which might be made to defraud the Q. of her* 20 l. *per Mensem.* And orders the Conviction to be *return'd into the Exchaquer*, and process to be made out thence to collect it, or for *Non payment, two* 3*ds, of their real Estate to be seized into the Queens Hands*, &c.

So that until the 3*d.* of King *James* (a time memorable to all Protestants, for the great Deliverance from the *Gun-Powder-Plot*) the former Laws continued without alteration or supplement. And in the 3. of that King's Reign was made a Statute, Intituled, *An Act for the better discovering and repressing Popish Recusants*, Which is the third Statute on which are prosecuted Protestant Dissenters, by the whole Series of which Statute it will appear, that *Protestants were intended to be secured, but never intended to be prosecuted by it, as some would have them.*

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And I may repeat the preamble of the Statute, which will sufficiently Evidence the *Intent* and *Design* thereof.

Which runs thus, (viz.)

Forasmuch as it is found by daily Experience, that many his Majesties Subjects that adhere in their Hearts to the Popish Religion, *by the infection drawn from thence, and by the Wicked and Devilish Council of* Jesuites *Seminaries and other like Persons, dangerous to the Church and State; are so far perverted in point of their Loyalty, and due Allegiance unto the King's Majestie, and the Crown of* England, *as they are ready to entertain and execute any treasonable Conspiracies and Practices, as evidently appeareth by that more than Barbarous and Horrible attempt to have blown up with Gun-Powder the King, Queen, Prince, Lords and Commons, in the Parliament Assembled tending to the utter Subversion of the whole State lately taken by the instigation of* Jesuites *and Seminaries, and in advancement of their Religon, by their Scholars taught and instructed by them to that purpose: Which attempt by the only Goodness of Almighty God was discovered and defeated. And where divers Persons Popishly-affected, do nevertheless (the better to cover and hide their false Hearts, and with more safety to attend the Opportunity to execute their mischievous Designs) repair sometimes to Church to escape the punishment of the Laws in that behalf provided.*

For the better discovery therefore of such Persons and their Evil-affections to the King's Majesty and the State of this His Realm; to the end, that being known, their Evil-purposes may be the better prevented. Be it Enacted by, &c. That every Popish-Recusant convict, or hereafter to be convicted, &c.

In which there is no mention made of other than Popish-Recusants not one Word of *Protestant Dissenters*, or Recusants, or other Dissenters or Recusants then Popish only. Besides, enquire into the Statutes.

It provides, that Popish-Recusants conformed, or afterward to conform, *should once a Month take the Sacrament of the Lord's Supper in their Parish-Church, as in Sect.* 2d. Inflicts

flicts the Penalties of 20 *l.* the 1st year, 40 *l.* the 2 *d.* and 60 *l.* the 3*d.* year for such Popish-Recusants not receiving the *Sacrament*, as in *Sect.* 3d.

It Enacts that the Church-Wardens and Constables of every Town, *&c.* for the time being; or if none, the chief Constable of the Hundred, *&c.* shall present the Names of all Popish-Recusants, and the Children of the said Recusants, of 16. years old, as in *Sect.* 4*th.*

4*ly*, This Statute of the 3*d.* of K. *James*, recites the aforesaid Statute of 23. *Eliz.* by which the said Recusants (*viz.*) Popish, forfeit the 20 *l. per Mensem*, as in *Sect.* 10.

5*ly.* And also recites the afore-said Statute of 28 Eliz. *directing how the Q. should recover the* 20*l.* per mensem, *by seizure of two* 3*ds. of the real* Estate *of such convicted Recusants.* After which recital, it is therein alledg'd, that the 20*l. per mensem* is a Burthen to the poor, and ease to the rich; who keep large Estates in their own hands which (as says the Statute) they do for the most part imploy [as Experience hath taught] *In the maintainance of Superstition and Popish Religion, and to the relief of Jesuites, Seminaries, Priests and other dangerous Persons to the State.* And——

So it's clearly apparent by the delineation and explanation of *Offender* and *Offences* throughout this Statute.

As 1*st.* Offenders (*viz.*) *Jesuites*, *Seminaries*, and such like persons, dangerous to *Church and State*, *Persons Popishly-affected, adhering in their Hearts to the Popish Religion*—— To cover and hide their false Hearts, and the better, and with more safty to attend their mischievous Designs repair sometimes to Church, *&c.* Persons ready to execute any Treasonable *Conspiracies and Practices.*

2*ly.* Their Offences or Designs (*viz.*) *That horrible Attempt to blow up with Gun-Powder the King, Queen, Prince, Lords and Commons in Parliament. And this to advance their Religion, and to Subvert Church and State.*

And so throughout the whole Statute, the Persons enjoyned to take the Sacrament, to be presented by Constables, and such like, are *Papists*, persons *Popishly-affected*, adhering to the *Popish* Religion and Popish Recusants. And not any other altho those times had many called Puritans and others.

By

By all which we hope it clearly appears, That those Statutes were intended against *Popish Recusants* only, and not against *Protestant Dissenters* or Recusants in general, nor any other than Popish, and that the Prosecution of Protestant Dissenters (as they have been of late and now at present are) is an extending the sence of those Statutes beyond Right Reason, and the intent of the *Law-maker*.——

And this following Declaration is humbly offered as a Test to distinguish between Protestants and Papists, being the same that is inserted in the Statute 30 *Car.* 2. and the Subscription of divers Dissenting Protestants thereunto in several Counties hath been accepted, and they thereupon discharged in the *Exchequer*.

I A. B. *Do solemnly and sincerely in the Presence of God, Profess, Testifie and Declare, That I do believe that in the Sacrament of the Lords Supper, there is not any Transubstantiation of the* Elements *of* Bread *and* Wine, *into the Body and Blood of Christ, at or after the Consecration thereof, by any person whatsoever.* (2.) *And that the Invocation, or Adoration of the Virgin* Mary, *or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of* Rome, *are Superstitious and Idolatrous.* (3.) *And I do solemnly in the presence of God, Profess, Testifie, and Declare, That I do make this Declaration, and every part thereof, in the plain and ordinary sense of the Words read unto me, as they are commonly understood by* English *Protestants, without any Evasion, Equivocation, or Mental Reservation whatsoever, and without any Dispensation already granted me for this purpose by the Pope, or any other Authority or Person whatsoever or without any hope of any such Dispensation from any Person or Authority whatsoever, or without thinking that I am or can be acquitted before God or Man, or absolved of this Declaration, or any part thereof, although the Pope, or any other Person, or Persons, or Power whatsoever, should Dispense with, or Annul the same, or Declare that it was Null and Void from the beginning.*

THE END.